

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7043**

**BILL NUMBER:** HB 1345

**NOTE PREPARED:** Dec 29, 2010

**BILL AMENDED:**

**SUBJECT:** Offenses Against Law Enforcement Animals.

**FIRST AUTHOR:** Rep. Neese

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides that mistreating or interfering with a law enforcement animal is a Class D felony. (Current law provides that the offense is a Class A misdemeanor, absent specified aggravating circumstances under which the offense is a Class D felony.)

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** There are no data available to indicate how many offenders may be convicted of a Class D felony instead of a Class A misdemeanor for striking, tormenting, injuring, or otherwise mistreating a law enforcement animal or interfering with the action of a law enforcement animal. [Current statute includes an enhanced penalty when the offense results in serious permanent disfigurement, unconsciousness, bodily injury, or death of the law enforcement animal.]

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$19,307 in FY 2010. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$68,260 in FY 2010. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** More revenue to the Common School Fund could be collected if a larger

criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

**Explanation of Local Expenditures:** If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

**Explanation of Local Revenues:** Court fees for both misdemeanors and felonies are \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts; local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association.

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